

Office of the
CLARK COUNTY LAND USE HEARING EXAMINER

1300 Franklin Street
P.O. Box 9810
Vancouver WA 98668-9810
Phone (360) 397-2375

NOTICE TO PARTIES OF RECORD

Project Name: MAYER ESTATES PLAT ALTERATION

Case Number: PLD2009-00015; HAB2009-00040; HAB2009-00012

The attached decision of the Land Use Hearing Examiner will become final and conclusive unless a written appeal is filed with the Board of Clark County Commissioners, 6th floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington, no later than 5:00 p.m. on, **October 8, 2009** (14 calendar days after written notice of the decision is mailed).

The Hearing Examiner's procedural SEPA decision is final and not appealable to the Board of County Commissioners.

All other appeals must be written and contain the information required under CCC 40.510.030(H), and placed in the following preferred format:

1. Project Name
2. Case Number
3. Name and signature of each petitioner: The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under Section 40.510.030(H)(1). If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the responsible official.
4. Introduction:
Provide a brief history of the case. This should include a chronology of dates of related applications, cases numbers, and a description of the proposal as it relates to the decision being appealed
5. Standard of Review:
Describe what standard of review (i.e., board's discretion to reverse the examiner's decision) you believe applies to board's review of the alleged errors (e.g., substantial evidence for challenges to findings of fact; de novo review for code interpretation; or, clearly erroneous for issues involving application of code requirements to particular facts).
6. Alleged Errors/Response to Alleged Errors:
Identify the specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error (i.e., reference the relevant exhibits and passages, court cases, etc.).

The appeal fee is **\$716**

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Mailed on: **September 24, 2009**

Mayer Estates Plat Alt
PLD2009-00015
Planner: Vicki Kirsher

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1100 NW 113th Circle
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Mayer Estates Plat Alt
PLD2009-00015
Planner: Vicki Kirsher

LOUISE RICHARDS(Original copy)
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DEVELOPMENT ENG
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DESIREE DE MONYE
(Email)

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III plat alteration to amend a previously approved subdivision to modify Condition 10 and to allow the removal of certain trees from a riparian Habitat Conservation Zone in unincorporated Clark County, Washington.

FINAL ORDER

**Mayer Estates Plat Alteration
PLD2009-00015, HAB2009-00040 &
HAB2009-00012**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application to alter the previously approved plat for the Mayer Estates Subdivision, in particular, to amend Condition 10 to allow for county approval to remove certain trees in the Riparian Habitat Conservation Zone (Tract A) and to authorize the removal of two trees from Lot 4 and seven trees from Lot 7 (PLD2009-00015, HAB2009-00040 & HAB2009-00012).

II. Introduction to the Property and Application:

Applicant & Owner Ott Gaither
6807 NE 109th Street
Vancouver, WA 98686

Contact Harker Engineering, Inc.
1403 Washington Street
Vancouver, WA 98660

Property Legal Description: Parcel numbers 188944-002, 188944-004, 188944-006, and 188944-008, 188944-010, 188944-012, 188944-014, 188944-016, 188944-018, 188944-020, located in the Northeast quarter of Section 33, Township 3 North, Range 1 East of the Willamette Meridian.

Applicable Laws Clark County Code (CCC) Chapter: 40.200 (General Provisions); 40.220.010 (Single Family Residential Districts; R1-7.5); 40.440 (Habitat Conservation); 40.500.010 (Procedures); 40.510.030 (Type III Process); and 40.540.120 (Plat Alterations).

Mayer Estates was approved in 2004 as a 42-lot residential subdivision on ~10 acres in the County's R1-7.5 zone (PLD2004-00004) and went to final plat on August 11, 2006 (Book 311, p 407). The property is adjacent to a wetland, and the Riparian Habitat Conservation Zone associated with Cougar Creek, designated as Tract A, which extends into the Mayer Estates development property and the individual lots within the subdivision. The following was included as Condition 10 of the Mayer Estates preliminary plat approval: "All trees within the riparian HCZ's/Tract 'A' are protected."

Now that much of Mayer Estates is built-out, the owner realizes that two lots (Lots 4 and 7) are extremely difficult, if not impossible, to develop with conventional homes because of the location of some of the trees on these lots – trees that are protected by Condition 10. Accordingly, the property owner proposes to amend Condition 10 so as to give the County review and approval authority to allow the removal of certain trees within the Habitat Conservation Zone, designated as Tract A. As part of this application, the owner seeks county permission under amended Condition 10 to remove two trees from Lot 4 and seven trees from Lot 7. As a starting point to accomplish this, the owner proposes to amend Condition 10 to provide: “All trees within the riparian HCZ’s/Tract ‘A’ are protected and shall not be removed without County approval.” The proposal includes the original application and plans (Exs. 5 & 6), a habitat mitigation plan, associated maps and narrative (Exs. 12, 13, 15 & 17).

III. Summary of the Local Proceeding and the Record:

The preapplication conference for this subdivision was waived (Ex. 6, tab 2). An application was submitted on June 30, 2009 (Exs. 5 & 6), was deemed fully complete the same day (Ex. 8), and is vested as of June 30, 2009. Notice of the Type III application and a September 10, 2009 public hearing on the application was mailed to property owners within 300 feet and the Felida Neighborhood Association on July 14, 2009 (Exs. 10 & 11). Notices of the application and hearing were also posted on and near the site on August 25, 2009 (Ex. 21). Staff issued a comprehensive report on the project on August 26, 2009 (Ex. 22) recommending approval with conditions.

At the commencement of the September 10th hearing, the Hearings Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflicts of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner’s ability to decide the matter impartially, or otherwise challenged the Examiner’s jurisdiction.

At the hearing, Vicki Kirsher, County planning staff on the project, and David Howe, the County Habitat Biologist, provided verbal summaries of the project, the staff report and the various agency and departmental comments already in the record. Ott Gaither, the owner and applicant, described the proposal, explained the background, and responded to questions. With him was Scott Morey, consulting biologist with MRM Consulting LLC. Several neighbors submitted written comments in opposition to the proposal (Exs. 16 & 24) and provided testimony at the hearing, including Michelle Ryan, J.R. Ralston and John Mesick. No one else requested an opportunity to testify, and no one requested a continuance or that the record be left open. The Examiner closed the record at the conclusion of the September 10th hearing and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The Examiner adopts the following findings related to issues and criteria that were addressed in the staff report:

PLAT ALTERATIONS:

Finding 1 – Plat Alteration Process: The applicant seeks a plat alteration pursuant to CCC 40.540.120(B)(2), which allows for a Type II process (without a public hearing) or an optional Type III process if a public hearing is requested. In this case, no public hearing was requested. A conservation covenant was recorded with the final plat for Mayer Estates, and the requested plat alteration necessitates the modification of the recorded conservation covenant. CCC 40.440.020(A)(6)(f) of the County's Habitat Conservation regulations provides that "An application for [covenant alteration] of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review." Type I or II reviews are generally required for covenant alterations that enhance habitat functions and are not of broad public interest. The Habitat Permit for Mayer Estates Subdivision was appealed by neighbors to the Board of County Commissioners in 2004. Staff, therefore, concluded the proposal to modify the plat, Condition 10 and the conservation covenant was of broad public interest and justified a Type III public hearing. The Examiner agrees.

Finding 2 – Plat Alteration Criteria: CCC 40.540.120 establishes procedures and criteria for plat alterations to ensure consistency with state law, i.e., the state platting laws in RCW 58.17.215 and 58.17.217. To warrant approval, a plat alteration must demonstrate that all of the following criteria are met:

- a. *The plat alteration is within the public interest; and*
- b. *The approval criteria in Section 40.540.040(D), as applicable to the proposed plat alteration, are met; and*
- c. *The approval of the plat alteration will not result in violation of any requirements of the original approval unless conditions necessitating such requirements have changed since the original plat was recorded.*

Finding 3 – First Criterion: Public Interest: The intent of Condition 10 is to protect trees in the riparian Habitat Conservation Zone (HCZ). Once the final plat was recorded, the developer discovered that "there are several trees on each lot that will not likely survive home construction because of the tight building envelope, or if they do survive, are likely to become a future safety issue." Specifically, the construction process on Lots 4 and 7 "will most likely, directly or indirectly, damage the root zones of the trees proposed for removal and replacement. This damage will affect the viability of the trees, and eventually lead to their instability." The applicant has proposed a mitigation plan for the 9 trees to be removed (Exs. 17, 12, 13 & 15) that he believes will avoid a hazardous tree situation, sustain a viable tree canopy, and facilitate a safe building environment. Staff reviewed the applicant's plan and concurred that the applicant's mitigation strategy adequately addresses construction impacts and was, therefore, in the public interest.

The Examiner finds that it is not in the public interest to have approved subdivision plats that are not developable with reasonably conventional homes. Similarly, it is not in the public interest to have trees that are protected in some theoretical sense, but have those trees die because of the development process. It is also not in the public interest to create a situation where trees are certain to be damaged, thereby

creating hazardous trees that could fall onto homes when they die as a result of damage from development. The homes proposed for these lots (Lot 4 & 7) are reasonably conventional in terms of their size and footprint. The Examiner finds that the locations of the trees that are the subject of this application preclude construction of a reasonable conventional home on these lots and the least intrusive means of constructing a reasonable home is to remove the smallest number of trees possible. The only way to do that is to modify Condition 10 and the corresponding plat note. This plat alteration does not allow the wholesale destruction of trees or other features of the HCZ, but rather vests the county with review authority for specific tree-by-tree requests. In that light, the Examiner finds that this plat alteration – the proposed amendment to Condition 10 – is in the public interest.

Finding 4 – Second Criterion: Subdivision Review Criteria: CCC 40.540.040(D) contains criteria for reviewing preliminary subdivision applications. The May 18, 2004 plat approval for Mayer Estates (PLD2004-00004) concluded that subdivision of this ~10 acres into 42 single-family residential lots met the applicable subdivision approval criteria. The proposed plat alteration does not affect the development's compliance with any of those criteria. Therefore, this criterion is satisfied.

Finding 5 – Third Criterion: Original Plat Approval: Condition 10 was placed on the face of the Mayer Estates plat as a note to protect trees within the riparian HCZ. This application proposes to amend that Condition and plat note. The applicant then proposes to remove 9 trees, for which the applicant has submitted a mitigation plan that includes a combination of on-site planting and off-site acquisition of functionally equivalent habitat. The County's Habitat Biologist analyzed the impacts and the mitigation plan and concluded that the proposal met the County's habitat requirements. See Habitat Finding 3. For that reason, the Examiner finds that the requested plat alteration will not violate requirements of the original approval. A condition will be imposed, however, requiring compliance with all other requirements and conditions of the original decision. See Condition D-1c.

Finding 6 – Final Approval: CCC 40.540.120(B)(3) requires that all approved subdivisions go to final plat within 5 years and allows for minor modifications of the preliminary plat through an administrative process. Major modifications require a new final plat. This proposed plat alteration does not reconfigure any of the lots in the Mayer Estates subdivision and is considered a minor alteration. Requiring the applicant to proceed through the final platting process again as if for a new land division, would serve no purpose. An appropriate process for final review of this alteration that affects only a few lots is for the applicant to submit a declaration, signed by owners of Lot 4, Lot 7 and Tract A in a form substantially the same as Exhibit 14. See Condition D-1. Staff will then process the document to obtain the necessary county signatures.

HABITAT:

Finding 1 – Applicant's Request: Mayer Estates Subdivision was platted with a note – Condition 10 – that provides: "All trees within the riparian HCZ's/Tract "A" are protected." The riparian HCZ in this case is defined as an area 150 feet horizontally outward from the ordinary high water mark of the creek. This measurement extends beyond the boundaries of Tract A on the approved plat (Ex. 18). Lots 4 and 7 contain 9 protected trees within the riparian HCZ (Ex. 13). The applicant proposes to amend the plat note to accommodate some form of building on these two lots with a

modified Condition 10 to provide: "All trees within the riparian HCZ's/Tract "A" are protected and shall not be removed without county approval." In conjunction with this plat alteration and covenant modification request, the applicant seeks two separate Habitat Permits (HAB2009-00012 and HAB2009-00040) to allow removal of the specified trees on Lot 4 and Lot 7, respectively. In this decision the Examiner approves the requested plat alteration and covenant modification, as well as the two Habitat Permits, which constitute the county approval required by amended Condition 10.

Finding 2 – Reasonable Use: The Habitat Conservation Ordinance contains a reasonable use assurance for construction on legal lots. CCC 40.440.020(B)(1)(a) provides that the Ordinance "shall not be used to prohibit placement of a single-family residence and residential accessory structures on an otherwise legally buildable lot of record." The applicant testified that the existing lot configuration in relation to utilities, habitat, wetland areas and property line setbacks, left few development choices for these two lots. The only homes that would fit on these lots outside of Tract A would be extremely tall, skinny buildings with small footprints, and even then, their construction would endanger the very trees the HCZ was supposed to protect. The Examiner finds that this is not a reasonable design or reasonable use of these two lots. The applicant has demonstrated that he has exhausted all avoidance alternatives and that reasonable use of these two lots necessitates the construction of homes on or very near to these trees (Ex. 13). The maximum allowed property line setback variance would still result in significant damage to tree root systems, thereby creating a future safety hazard. Additionally, reducing the square footage of the homes below 2,000 sf would violate CC&R's for this subdivision. As such, the Examiner finds that approval of these Habitat Permits is necessary for the reasonable use of these two lots.

Finding 3 – Mitigation: According to CCC 40.440.020(A)(2)(a), the applicant is generally required to "substantially maintain the level of habitat functions and values" that are currently present on the site. The applicant proposes to mitigate for the tree removal through a combination of on-site planting and off-site acquisition of functionally equivalent habitat (Exs. 12 & 13). The proposed on-site mitigation calls for the planting of Pacific madrone trees (*Arbutus menziesii*). The off-site mitigation calls for the preservation of 23 trees outside the regulated habitat area that are functionally equivalent. Staff concluded that the mitigation strategy (Exs. 12, 13 & 17) adequately addressed construction impacts, so long as certain conditions are met. The Examiner agrees and, based on the recommendation of the County's Habitat Biologist, he approves these permits subject to the recommended conditions. See Conditions D-2, D-3, D-4, E-1 & H-1.

Finding 4 – Off-site Mitigation: CCC 40.440.020(3)(d)(18) of the Habitat Ordinance allows for off-site mitigation, subject to certain geographic, functional, and procedural limitations. This code section allows off-site mitigation when no on-site alternatives exist, and then the mitigation site must be within the same watershed as the impact, must be reviewed by the Washington Department of Fish and Wildlife (WDF&W), and must be functionally equivalent to what is being lost. The proposed off-site preservation is within the same watershed (Salmon Creek) as the impact area. The mitigation was approved through consultation with the WDF&W, and it is functionally equivalent in both size and condition to what is being lost. Additionally, no on-site mitigation alternatives exist that would adequately replace the disrupted habitat

functions. The proposed off-site habitat preservation site is in an area not regulated by the Habitat Ordinance, yet is functionally connected to the regulated riparian H CZ of Salmon Creek. The applicant proposes to protect 23 off-site trees as compensation for the removal of 9 trees within the construction area. The rationale for going beyond a 1:1 ratio is related to the proximity of the off-site trees to an existing rural major collector roadway. Staff found that the off-site mitigation strategy met the applicable code criteria so long as a Habitat Conservation Covenant is recorded protecting the off-site mitigation area. See Condition D-5.

Finding 5 – Neighborhood Concerns: Several neighbors submitted a petition (Ex. 16) and written objections (Ex. 24) to this application and testified as to the same concerns at the September 10 hearing. The petition objects to that part of the applicant's mitigation proposal that would dispose of the cut trees and rootballs elsewhere in Tract A. The applicant responded by offering to grind and bury the tree remains (Ex. 19). As such, this issue appears to have been resolved. Based on the positive recommendation of the County Habitat Biologist, the Examiner finds that the balance of the proposed mitigation plan is sufficient to meet the requirements of the Habitat Ordinance without the placement of cut wood in Tract A. As such, that element of the mitigation plan should be eliminated. See Condition D-4.

The letter submitted by neighbors the day of the hearing (Ex. 24) raises objections to this proposal based on the proximity of the site to 10 acres recently purchased by the County for a park and the value of the area as habitat for local deer. These neighbors also raise issues related to preservation of and possible impacts to the Cougar Creek riparian area and wetlands. The neighbors also raise the possibility of Western Wahoo, a state-listed threatened plant species, being on the site or in Tract A, which could be affected by this proposal. Several neighbors testified at the September 10th hearing raising these same concerns and generally commenting that the developer should have known about this problem at the time Mayer Estates were first approved and therefore should not be allowed to amend Condition 10 absent the discovery of some new information. The County Habitat Biologist reviewed these comments and reported at the hearing that none were sufficient to cause him to change his recommendation on the proposal.

As a starting point, it is immaterial that the developer could have or should have recognized a problem with developing Lots 4 and 7 at the time Mayer Estates was first reviewed and approved. The plat alteration procedures and criteria do not include any consideration of what the developer could have or should have known at the time of preliminary plat approval. The Examiner applies these criteria as written, and finds that this applicant meets those criteria. The issue of whether this problem was foreseeable is not a factor.

The possible proximity of Western Wahoo and what possible impact the removal of 9 trees might have on the Wahoo is too speculative to serve as a basis to condition or deny this proposal. Similarly, there is no expert foundation that the removal of 9 trees will have any impact, much less a negative impact, on deer. Finally, possible impacts to the Cougar Creek riparian habitat and wetland generally is precisely the focus of this review under the County's Habitat Ordinance. In that regard, the applicant engaged a habitat specialist to survey the site, evaluate the impact of removing 9 trees and propose mitigation for that impact (Exs. 12, 13, 17 & 19). The County Habitat Biologist reviewed the proposed mitigation plan and determined that

it met the requirements of the County's Habitat Ordinance. In light of that expert opinion and review, with no comparable expert opinion or review to rebut it, the Examiner concludes that the Wahoo and deer are not factors and impacts to the riparian habitat and wetlands, if any, have been mitigated adequately. The Examiner finds that the mitigation plan, as proposed and conditioned, meets the requirements of the Habitat Ordinance, and the opponents have not provided argument or evidence sufficient to condition or deny this proposal.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, the plat alteration modifying Condition 10 and the corresponding plat note 10 (PLD2009-00015) is approved as are the two habitat permits (HAB2009-00040 & HAB2009-00012) requested pursuant to the authority reflected in modified Condition 10. The applications are approved in general conformance with the developer's proposal and related plans (Exs. 5, 6, 12, 13 & 17). This approval is granted subject to the requirements that the developer, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** The developer shall amend note 10 on the final plat for Mayer Estates through the following process: See Land Use Finding 6.
- a. A signed, notarized declaration with attachments shall be submitted for review and shall be in substantial conformity with the attached exhibits.
 - b. The declaration shall be recorded with the Clark County Auditor. A copy of the recorded document shall be submitted to the Department of Community Development within 5 years of preliminary plat alteration approval.
 - c. The declaration shall clearly indicate that the original subdivision is only amended as described in this decision. All other aspects of the final plat are unaffected and remain in full force and effect. See Land Use Finding 5.
- D-2** The developer shall record a revised Habitat Conservation Covenant and plat note for the Mayer Estates site. The Declaration Amending Plat (Condition D-1) will satisfy these requirements.
- D-3** The Declaration Amending Plat (Condition D-1) shall include language in the stating "tree protection fencing shall be installed prior to any clearing or groundbreaking activities on Lots 4 and 7. Trees shall be felled and removed in a manner that minimizes damage to adjacent protected trees." See Habitat Finding 3.
- D-4** Prior to recordation of the Declaration Amending Plat (Condition D-1), the developer shall implement the recommendations in Exhibits 12, 13, and the plant

maintenance and monitoring provisions of Exhibit 17, but not the large-woody debris elements of the mitigation plan. See Habitat Findings 3 & 5.

- D-5** Prior to recordation of the Declaration Amending Plat (Condition D-1), the developer shall record a Habitat Conservation Covenant protecting the off-site preservation area. See Habitat Finding 4.
- D-6** Prior to recordation of the Declaration Amending Plat (Condition D-1), the developer shall pay all mitigation monitoring inspection fees.

E	Building Permits Review & Approval Authority: Customer Service
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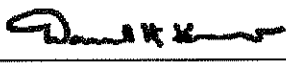
Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Tree protection fencing shall be installed prior to any clearing or groundbreaking activities on Lots 4 and 7. Trees shall be felled and removed in a manner that minimizes damage to adjacent protected trees. See Habitat Finding 3.
- E-2** Building construction occurring subsequent to this application shall comply with the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process.

H	Post Development Requirements Review & Approval Authority: As specified below
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- H-1** **Habitat** - The developer shall monitor all habitat mitigation planting areas for a period of 3 years and submit monitoring reports to the Planning Director. All photo and monitoring data shall be collected during the most recent growing season prior to report submittal. See Habitat Finding 4.

Date of Decision: September 24, 2009.

By: 
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

An appeal of any aspect of the Hearings Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party

of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing or submitted written testimony prior to or at the public hearing on this matter.

Any appeal of the final land use decisions shall be filed with the Board of County Commissioners, 1300 Franklin Street, Vancouver, Washington, 98668 within 14 calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the Land Use Hearings Examiner's final land use decision shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error;
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must also explain why such evidence should be considered, based on the criteria in subsection 18.600.100(D)(2); and
5. A check in the amount of \$716 (made payable to the Clark County Board of County Commissioners) must accompany an appeal to the Board.

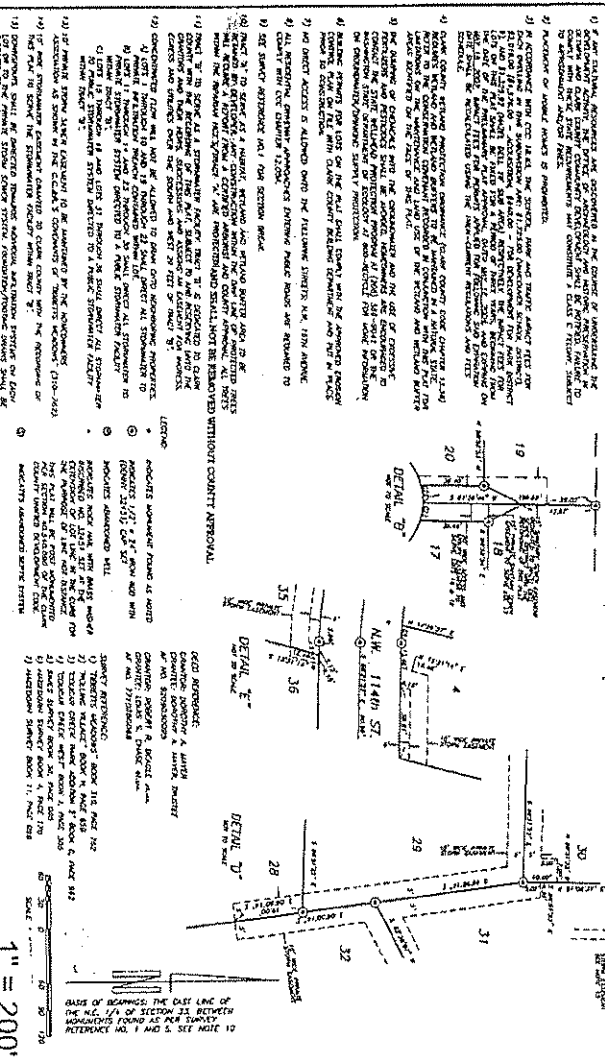
CLARK COUNTY, WASHINGTON
JCM NO: 03-261 AUG257 BL 2008

OWNER:

UTILITY AND SIDEWALK EASEMENT:

AMERICAN AND GAZETTE DURING THE WEEKS AND MONTHS AS TO HISTORY OF UNBURNED BUT SUCH AS ARE NOT POSSIBLE, ACCORDINGLY, ESTIMATED, ETC.

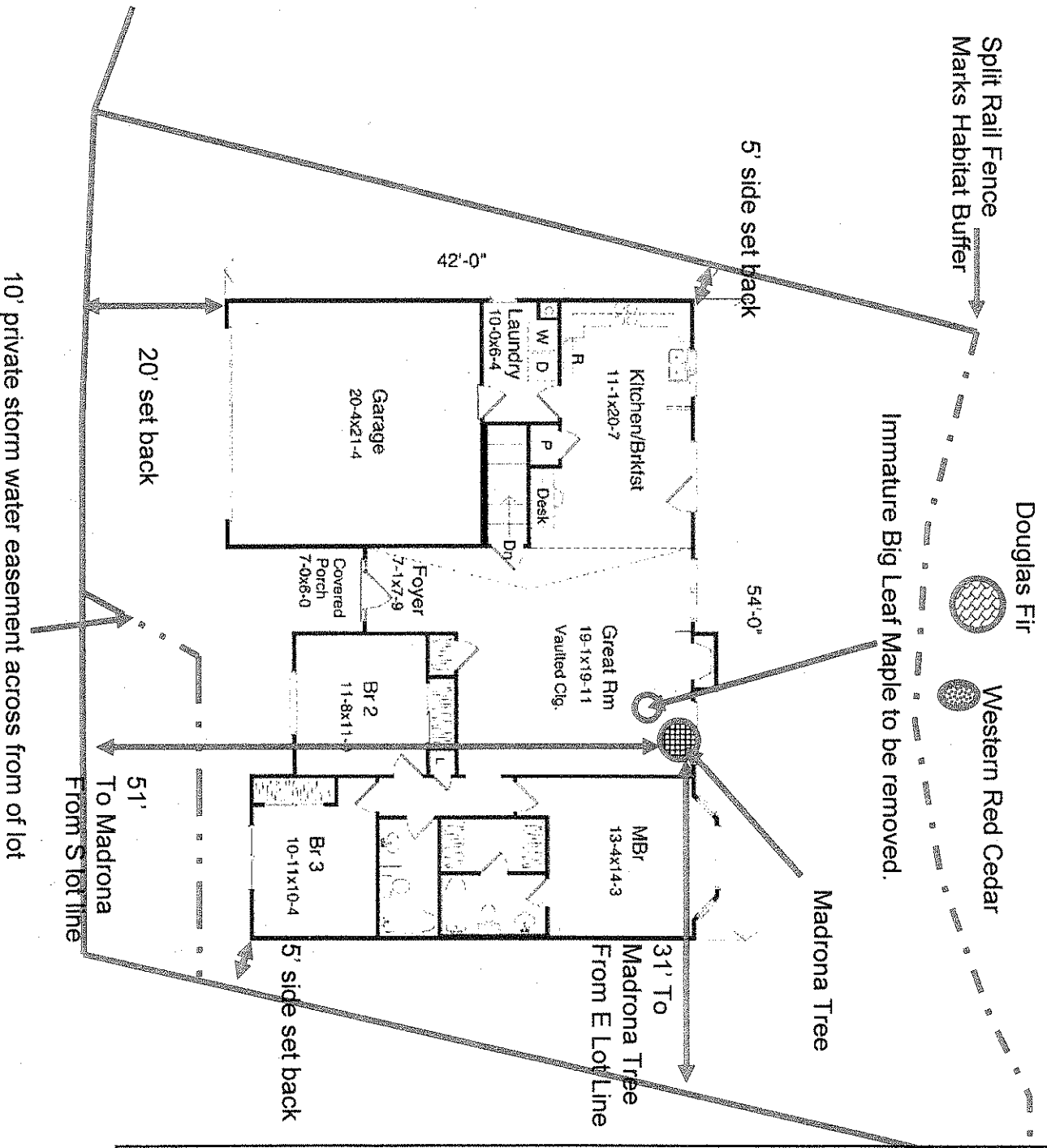
A FIELD SERVICE WAS PERFORMED USING A FIVE SECOND TONE SIGNALING THE FIELD TRAVELERS LEFT THE VEHICLE STATIONED FOR SERVICE AS DISCUSSED IN PARAG. 111-10-10. THE 41 OTHERS WITHIN 15 MINUTES WERE VERIFIED ON 02-27-51.



Date		Time		Place		Remarks	
Day	Month	Hour	Minute	Lat.	Long.	Alt.	Wind
1	1	10	10	10	10	10	10
2	1	10	10	10	10	10	10
3	1	10	10	10	10	10	10
4	1	10	10	10	10	10	10
5	1	10	10	10	10	10	10
6	1	10	10	10	10	10	10
7	1	10	10	10	10	10	10
8	1	10	10	10	10	10	10
9	1	10	10	10	10	10	10
10	1	10	10	10	10	10	10
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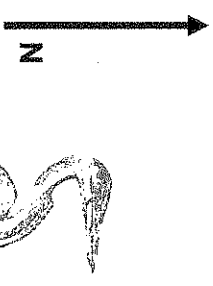
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Current Lot #4 Configuration w/Standard Reduced Size Home Footprint Overlay



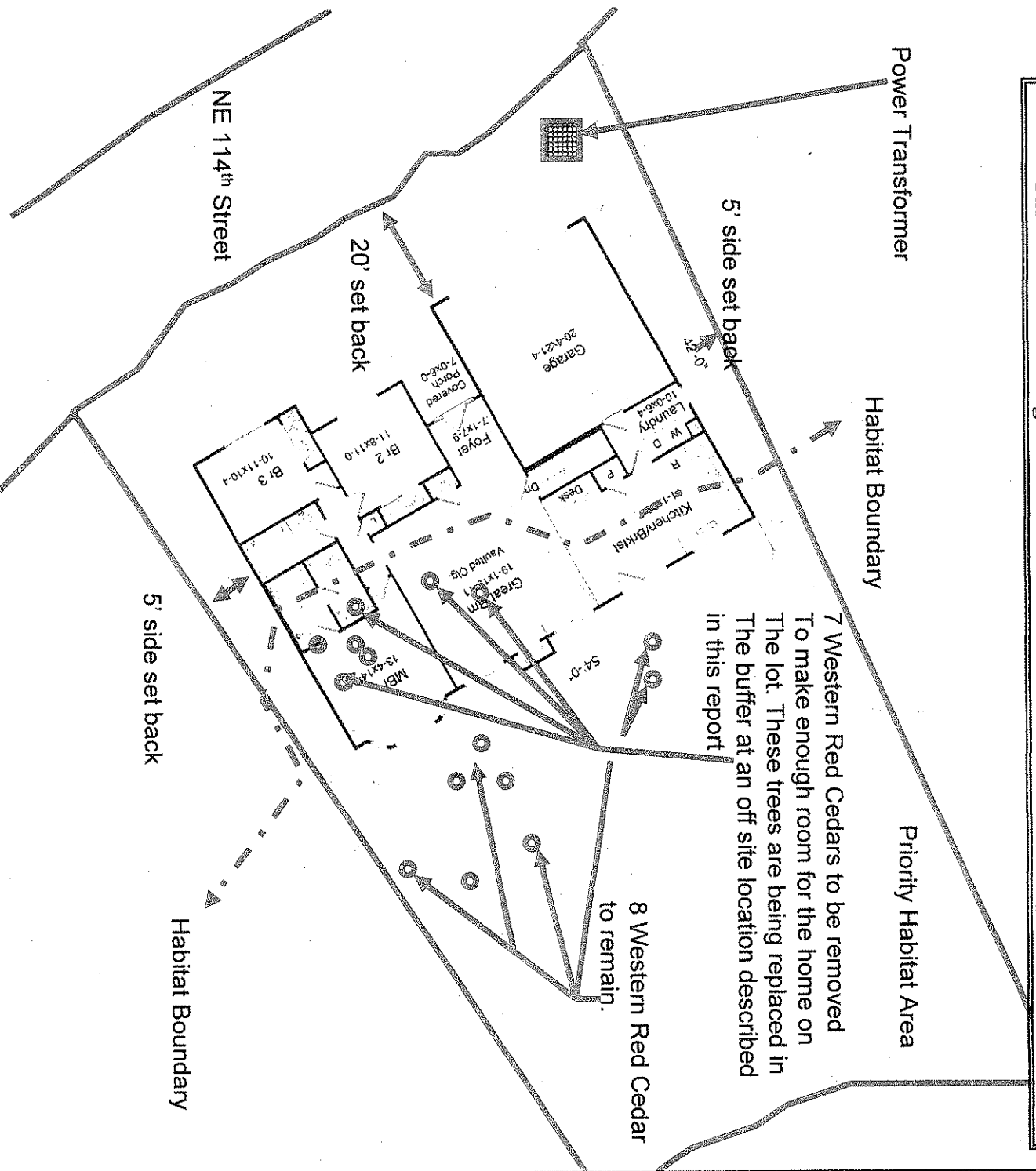
Meyer Estates
Habitat Permit
Revision
Addendum II
 NW 16th Avenue
 & NW 114th St
 Vancouver, WA

Drawing 4 of 8
 Revised 7-JUL-09



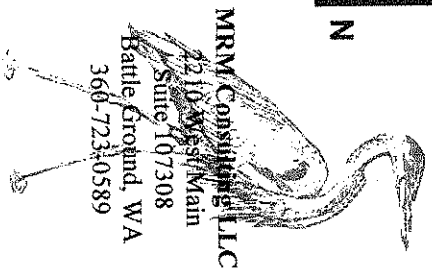
MRM Consulting LLC
 2210 West Main
 Suite 107308
 Battle Ground, WA
 360-723-0589

Current Lot #7 Configuration w/Standard Reduced Size Home Footprint Overlay



Meyer Estates
Habitat Permit
Revision
Addendum II
NW 16th Avenue
& NW 114th St
Vancouver, WA

Drawing 5 of 8
 Revised 7-JUL-09



MRM Consulting, LLC
 2210 West Main
 Suite 107308
 Battle Ground, WA
 360-723-0589



HEARING EXAMINER EXHIBITS

Project Name: **MAYER ESTATES PLAT ALTERATION**

Case Number: **PLD2009-00015; HAB2009-00040; HAB2009-00012**

Hearing Date: **September 10, 2009**

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	4/2/09	Applicant: Gaither LLC	Full Size Plan
6	4/2/09	Applicant: Gaither LLC	Application Packet: Application Form, Pre-App Report, GIS Packet, Narrative, Approved Plats, Existing Covenants, Proposed Revised Map, Existing Conditions, Documentation of other Interest
7	4/23/09	CC Development Services	Development Review NOT Fully Complete Determination
8	6/20/09	CC Development Services	Development Review Fully Complete Determination
9	7/13/09	CC Development Services	Early Issues Email to Applicant
10	7/14/09	CC Development Services	Notice of Type II Development Review & Public Hearing
11	7/14/09	CC Development Services	Affidavit of Mailing Public Notice
12	7/22/09	MRM Consulting on Behalf of the Applicant	Habitat Mitigation Addendum
13	7/22/09	MRM Consulting on Behalf of the Applicant	Maps for Habitat Mitigation Addendum
14	7/22/09	Applicant: Gaither LLC	Declaration Amending Short Plat
15	7/24/09	Applicant: Gaither LLC	Narrative Addendum
16	8/5/09	Letter Signed by Several Neighbors	Letter in Opposition to Mitigation Strategy

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
17	12/19/08	MRM Consulting on Behalf of Applicant	Original Habitat Mitigation Plan
18	8/7/09	CC Development Services	Protected Tree Location as Approved in PLD2004-00004
19	8/7/09	MRM Consulting on Behalf of Applicant	Mitigation Alternative in Response to Letter from Neighbors
20	8/11/09	CC Development Services	Notice of Public Hearing for Sept 10, 2009
21	8/20/09	Applicant: Gaither LLC	Affidavit of Posting Land Use Sign
22	8/26/09	CC Development Services	Staff Report written by Vicki Kirsher
23	8/26/09	CC Development Services	Affidavit of Posting Notice
24	9/10/09	J.R. Ralston and John Mesick	Comment Letter with Photos
25	9/10/09	J. R. Ralston and John Mesick	Request to be made Party of Record
26	9/10/09	CC Development Services	Pictures of Power Point Presentation
27	9/10/09	John Mesick	Pictures

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810